

**FILED**  
APR - 1 2010  
**SURFACE**  
**TRANSPORTATION BOARD**



226744  
Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

April 1, 2010

VIA E-FILING

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room 100  
Washington, DC 20423-0001

**FEE RECEIVED**

APR - 1 2010

**SURFACE**  
**TRANSPORTATION BOARD**

**RE: Abandonment Exemption of the Brea Chemical Industrial Lead from M.P. 507.5 to M.P. 508.65, near the City of Brea, a distance of 1.35 miles in Orange County, California; STB Docket No. AB-33 (Sub-No. 281X)**

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 281X). Enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee.

Sincerely,

ENTERED  
Office of Proceedings

APR - 1 2010

Part of  
Public Record

Enclosures

cc: All Concerned Parties

o:\abandonments\33-281X\STB-NOE.doc

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 281X)**

**UNION PACIFIC RAILROAD COMPANY  
--ABANDONMENT EXEMPTION--  
IN ORANGE COUNTY, CALIFORNIA  
(BREA CHEMICAL INDUSTRIAL LEAD)**

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**Notice of Exemption**

**UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
(312) 777-2055 (Tel.)  
(312) 777-2065 (FAX)**

**Dated: April 1, 2010  
Filed: April 1, 2010**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 281X)**

**UNION PACIFIC RAILROAD COMPANY  
--ABANDONMENT EXEMPTION--  
IN ORANGE COUNTY, CALIFORNIA  
(BREA CHEMICAL INDUSTRIAL LEAD)**

---

**Notice of Exemption**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service on the Brea Chemical Industrial Lead from Milepost 507.5 to Milepost 508.65, a total distance of 1.15 miles near the City of Brea in Orange County, California (the "Line").<sup>1</sup>

**Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

The abandonment and discontinuance are proposed to be consummated on or after May 22, 2010 (at least 50 days after filing the Notice of Exemption).

**Certification: 49 C.F.R. 1152.50(b)**

UP certifies that no local traffic has moved over the Line for at least two (2) years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or

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<sup>1</sup> UP's initial letter to governmental agencies dated May 20, 2009 covered a slightly larger description of the Line beginning at Milepost 507.3 to Milepost 508.65, a distance of 1.35 miles. After review, it was determined the description of the Line was too long to the west and the corrected description of the Line, Milepost 507.5 to Milepost 508.65, a distance of 1.15 miles is reflected in the Combined Environmental and Historic Report, the ten (10) day notice, the local county newspaper notice and this Notice of Exemption.

has been decided in favor of the complainant within the two-year period. UP further certifies that there is no overhead traffic on the Line.

**Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

**(a) General.**

**(a)(1)** The railroad's exact name is Union Pacific Railroad Company.

**(a)(2)** UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

**(a)(3)** UP intends to abandon the Brea Chemical Industrial Lead from Milepost 507.5 to Milepost 508.65, a total distance of 1.15 miles in Orange County, California.

**(a)(4)** A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**.

**(a)(7)** The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
(312) 777-2055 (Tel.)  
(312) 777-2065 (Facsimile)

**(a)(8) ZIP Codes.** The Line traverses U.S. Postal Service Zip Code 92821.

**(e)(4) Rural and Community Impact.**

The Line was constructed in 1911 by the Pacific Electric Railway. The Line is comprised of 132 pound welded rail laid down in 1968 and 1969. Currently only half the track which makes up the Line, approximately 3,780 feet of track, remains in place.

This track is cut into 39 foot lengths in anticipation of panelization by UP's Engineering Department. The Line is the end of a short industrial lead and there are no customers nor industrial track agreements in effect on said Line. The right-of-way is suitable for alternate public use. UP's Real Estate Department has negotiated an agreement to sell almost all of the Line to the City of Brea for an extension of the City's park system. It is the intention of UP to close the transfer of almost all of the Line under the contract with the City of Brea for trail and park use. There is no reversionary property on the Line.

After abandonment, the closest rail service will continue to be provided by Union Pacific in the City of Brea on the remaining portion of the Line. In addition, BNSF freight service, and Amtrak and commuter passenger service, is available a few miles southwest in the City of Fullerton, CA.

Additionally, the City of Brea lies in the heart of the Los Angeles basin and is well served by major local roads, feeder routes and the multi-lane state Highway 57.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the two year period.

Based upon information in UP's possession, the Line does not contain any federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

A map of the Line is attached as **Exhibit No. 1**.

### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

### **Certifications**

Attached as **Exhibit No. 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

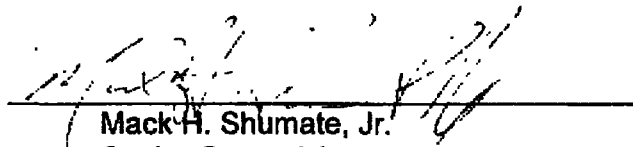
### **Environmental and Historic Report**

A copy of the Transmittal Letter that accompanied UP's combined Environmental and Historic Report ("EHR"), containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit No. 3**. The original was e-filed with Ms. Cynthia E. Brown (SEA), on February 23, 2010. The EHR indicated that the proposed abandonment does not involve historic properties.

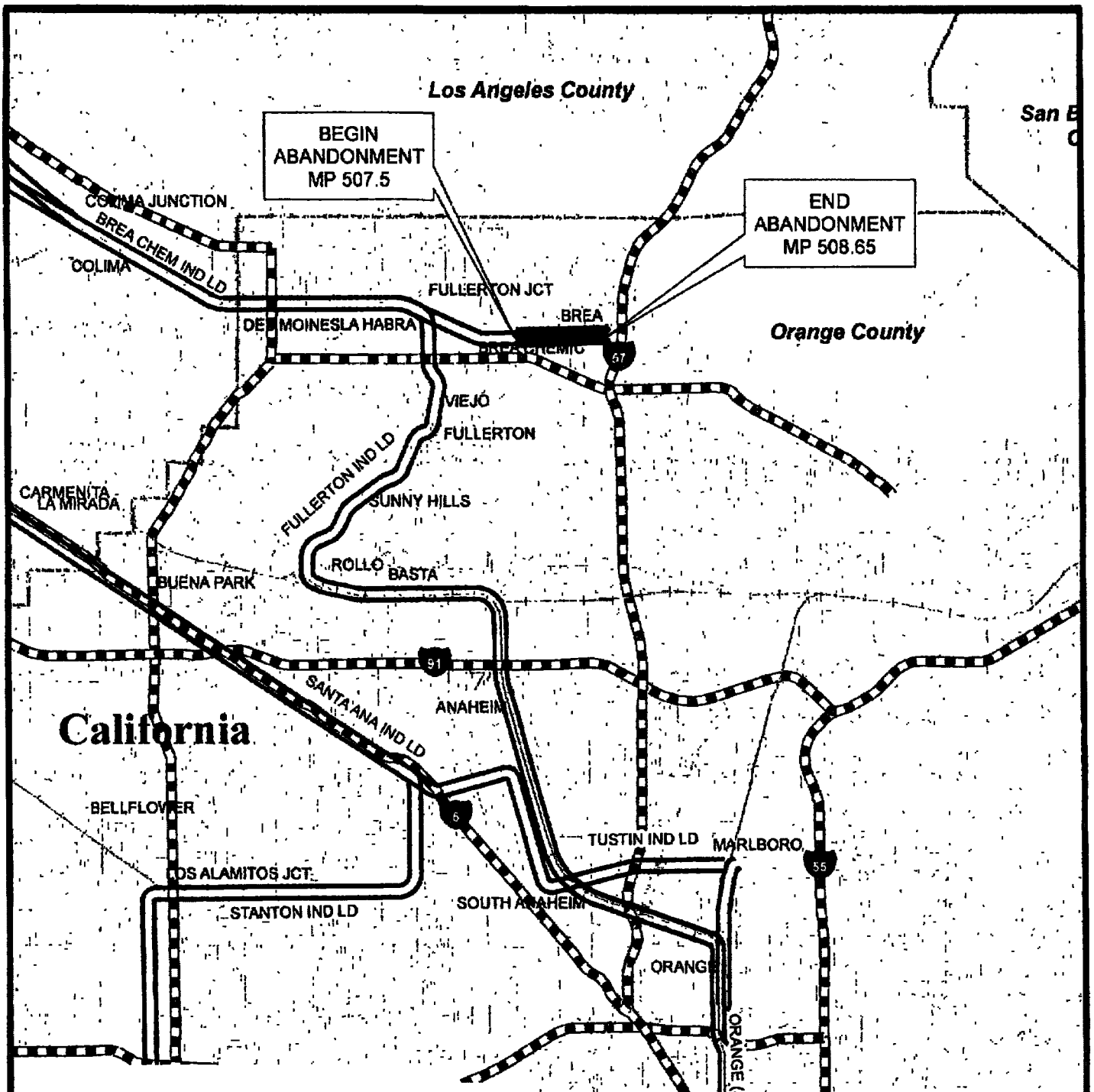
Dated this 1<sup>st</sup> day of April, 2010.

Respectfully submitted,







UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
(312) 777-2055 (Telephone)  
(312) 777-2065 (Facsimile)



## Legend

-  50 + YEAR OLD STRUCTURES
-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

## BREA CHEMICAL INDUSTRIAL LEAD

MP 507.5 TO MP 508.65  
TOTAL OF 1.15 MILES IN ORANGE COUNTY  
IN CALIFORNIA

UNION PACIFIC RAILROAD CO.  
BREA CHEMICAL INDUSTRIAL LEAD  
CALIFORNIA

INCLUDING 50+ YEAR OLD STRUCTURES



**DOCKET NO. AB-33 (SUB-NO. 281X)  
Brea Chemical Industrial Lead**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on March 11, 2010 (at least ten (10) days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Brea Chemical Industrial Lead in Orange County in the City of Brea, California in Docket No. AB-33 (Sub-No. 281X).

Written notice (a copy of which is attached hereto as **Attachment 1**) was served on the following:

Office of Planning & Research  
1400 Tenth Street  
Sacramento, CA 95814

National Park Service  
Pacific West Region  
One Jackson Center  
1111 Jackson Street, Suite #700  
Oakland, CA 94607

U.S. Department of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor, N.W., Auditors Building  
14<sup>th</sup> St. & Independence Ave., S.W.  
Washington, DC 20250

Headquarters  
Military Surface Deployment &  
Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA  
(Railroads for National Defense)  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

**49 C.F.R. § 1105.11 - Transmittal Letter For Applicant's Report**

The undersigned certifies that on February 23, 2010 (at least twenty (20) days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 281X) for abandonment of the Brea Chemical Industrial Lead in Orange County in the City of Brea, California on the following:



- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

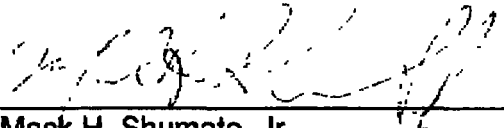
(The Certificate of Service attached to the Combined Environmental and Historic Report listed the names and addresses for the federal, state and local agencies.)

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Petition for Exemption. The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Orange	<i>The Register</i>	March 19, 2010

Dated this 1<sup>st</sup> day of April, 2010.

  
\_\_\_\_\_  
Mack H. Shumate, Jr.

THE REGISTER

This space for filing stamp only

625 N GRAND AVE, SANTA ANA, CA 92701  
Telephone (714) 796-7000 / Fax (714) 796-6059

CNS# 1817243

NOTICE OF INTENT  
TO ABANDON

UNION PACIFIC RAILROAD  
COMPANY (UP) gives  
notice that on or after March  
22, 2010, it intends to file  
with the Surface  
Transportation Board,  
Washington, D.C. 20423, a  
Notice of Exemption under  
49 C.F.R. Part 1152, Subpart  
F - Final Abandonments  
pertaining to the abandonment  
of a 1.16-mile line of railroad  
between railroad milepost  
507.5 near the City of Brea,  
Orange County, California to  
railroad milepost 508.55 near  
the City of Brea, Orange  
County, California. The line  
traverses U.S. Postal Service  
Zip Code 92821. The  
proceeding will be docketed  
as No. AB-33 (Sub-No.  
2813).

of Congressional and Public  
Services at (888) 234-1782.  
Copies of any comments or  
requests for conditions  
should be served on UP's  
Mark Shumate, Jr., Senior  
General Attorney, 101 North  
Wacker Drive, #1920,  
Chicago, Illinois 60606 (312)  
777-2055.

UNION PACIFIC RAILROAD  
COMPANY

3/19/10  
CNS-1817243  
THE REGISTER

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California  
County of ORANGE

Notice Type: GPN - GOVT PUBLIC NOTICE

Ad Description: NOTICE OF INTENT TO ABANDON

I am a citizen of the United States and a resident of the State of California; I am  
over the age of eighteen years; and not a party to or interested in the above  
entitled matter. I am the principal clerk of the printer and publisher of the THE  
REGISTER, a newspaper published in the English language in the city of  
SANTA ANA, county of ORANGE, and adjudged a newspaper of general  
circulation as defined by the laws of the State of California by the Superior  
Court of the County of ORANGE, State of California, under date 11/18/1905,  
Case No. A21048. That the notice, of which the annexed is a printed copy, has  
been published in each regular and entire issue of said newspaper and not in  
any supplement thereof on the following dates, to-wit:

03/19/2010

Executed on: 03/19/2010  
At: SANTA ANA, California

I certify (or declare) under penalty of perjury that the foregoing is true and  
correct.

*Julie Hannell*  
Signature



\* A 0 0 0 0 0 1 5 8 9 5 2 8 \*



Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

February 23, 2010

**VIA E-FILING**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20423-0001

**Re: Abandonment Exemption of the Brea Chemical Industrial Lead from M.P. 507.5 to M.P. 508.65, near the City of Brea, a distance of 1.35 miles in Orange County, California; STB Docket No. AB-33 (Sub-No. 281X)**

Dear Ms. Brown:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after March 18, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "M. H. Shumate, Jr.", with a stylized flourish at the end.

Attachment

cc: All Concerned Parties

o:\abandonments\33-281X\STB-EHR.doc

**VERIFICATION**

STATE OF NEBRASKA )

) ss:

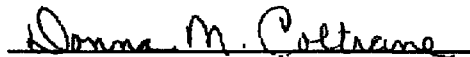
COUNTY OF DOUGLAS )

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 26th day of January, 2010.

  
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this 26th day of  
January, 2010.

  
Notary Public

My Commission expires: \_\_\_\_\_

